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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/684,665

10/14/2003

Walker B. Carroll

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06/13/2006

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EXAMINER

NGUYEN, TANH Q

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/684,665	Applicant(s) CARROLL, WALKER B.	
	Examiner Tanh Q. Nguyen	Art Unit 2182	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/01/05; 03/27/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3-8, 12-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,9-11 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Inventorship

1. In view of the papers filed December 1, 2005, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding CARL A. BENDER and GREGORY SALYER as inventors.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Election/Restrictions

2. Applicant's election with traverse of Species I, claims 1-2, 10-11 in the reply filed on March 27, 2006 is acknowledged.

The traversal is on the ground that the examiner has not indicated which claims are covered by the species' designation. This is not found persuasive because the examiner is not required to indicate the claims covered by the species' designation (please note that the restriction requirement of species is not the same as the restriction requirement of inventions).

The traversal is also on the ground that the examiner has not specified a species directed to claims 9 and 18. The argument is not persuasive also for the reason above. Claims 9 and 18 however appear to be generic and will be considered with Species I.

The traversal is also on the ground that there is no indication that the classification or field of search would not be the same for each of the species. The argument is not persuasive because the field of search does not dictate the restriction requirement, and because there is no requirement for providing a field of search in a species restriction requirement.

The traversal is also on the ground that there are not an unreasonable number of dependent (or species) claims, that the restriction requirement merely designates a separate and distinct species for each dependent claim (or that the restriction requirement improperly designated the dependent claims as species). The argument is not persuasive because the restriction is not based on the number of dependent claims, but on the number of species, and the number of species is different from the number of dependent claims. The argument is further not persuasive because applicant had not admitted the species to be obvious variants of one another, or provide adequate explanation (besides same field of search) why the different species need to be examined together.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 11 recites the limitation "the communications system of claim 8 " in line 1.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Beukema et al. (US 6,128,674).

7. As per claim 1, Beukema teaches a method for transmitting a message packet [FIG. 3] from a first node [SYSTEM, FIG. 1] to a second node [ADAPTER, FIG. 1] in a data processing system [FIG. 1], said method comprising the steps of:

determining at least one set of communication descriptors [30, 32 - FIG. 1] prior to message packet transmission [step 104 preceding step 110, FIG. 3] in a communications adapter [24, FIG. 1; col. 2, lines 21-23] connected to a first one of said nodes (the first node); and

assembling said message packet [102, FIG. 3] for direct memory to memory transfer from said first node to said second node [110, FIG. 3], said message packet comprising a single message packet [48, FIG. 1; col. 3, lines 25-26] comprising data from disparate memory locations [34, 36 - FIG. 1; col. 2, lines 39-41] in said first node,

wherein the communication descriptors determine the disparate memory locations in said first node from which said message is assembled [col. 2, lines 37-41].

8. As per claim 10, Beukema teaches a communications system [FIGs. 1-2] for transmitting a message packet [FIG. 3] directly from a first node [SYSTEM, FIG. 1] to a second node [ADAPTER, FIG. 1] in a data processing system [FIG. 1], comprising:

a node processor [12, FIG. 2] for providing communication descriptors [30, 32-FIG. 1] indicating disparate memory locations [34, 36 - FIG. 1; col. 2, lines 39-41] in which data to be transmitted are stored in said first node; and

a communications adapter [24, FIG. 1; col. 2, lines 21-23] comprising a processing engine [12, FIG. 2] for responding to the communication descriptors by assembling, in a single message packet, the data stored in the disparate memory locations in said first node [106, FIG. 3], and transmitting the single message packet directly from disparate memory locations in said first node to predetermined memory locations in said second node [110, FIG. 3].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 9, 11, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Beukema et al..

11. As per claims 2, 11, Beukema does not specifically teach preloading data comprising a portion of the single message packet associated with some of the communication descriptors, while others of said communication descriptors are being determined during the preloading.

Since it was known to one of ordinary skill in the art at the time the invention was made to carry processes in parallel to speed up processing, and since the communication descriptors [30, 32 - FIG. 1] and the data buffers [34, 36 - FIG. 1] are disparate, it would have been obvious to one of ordinary skill in the art at the time the invention was made to preload the portion of data in data buffer 34 associated with communication descriptor 32, while communication descriptor 30 is being determined, hence allowing the loading of data and the determination of the communication descriptor to be processed in parallel, in order to speed up processing.

12. As per claims 9, 18, Beukema does not specifically teach a formatter for providing message packet header information linked to memory locations in the first and the second nodes for memory to memory transfer.

Since it was known to one of ordinary skill in the art at the time the invention was made for a message packet to include header information linked to a source and a destination to facilitate data transfer and corresponding response, and since Beukema teaches a message packet, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include header information linked to memory locations in the first and second nodes in order to facilitate memory to memory transfer

and corresponding response.

Response to Arguments

13. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanh Q. Nguyen whose telephone number is 571-272-4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



June 11, 2006